

## REMARKS

Claims 1 and 4-9 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claim 1 and 3-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sparks in view of either Maluf or Regan and the alleged admission of prior art in the above-referenced application. Applicants have incorporated into claim 1 the subject matter of canceled claim 3. Applicants do not share the Examiner's view that the claims are suggested by Sparks and Maluf or also by Regan. As amended, claim 1 now recites the direct anodic bonding between the component structure and the glass layer. In contrast, as the Examiner already correctly stated in the Office Action, Sparks shows bonding with the aid of solder material between the layers. However, on page 3 of the Office Action, the Examiner then refers to column 1, lines 23-41, in Sparks, where the anodic bonding method is mentioned. As a result, it is said to be obvious to one skilled in the art to arrive at the subject matter of Claim 1 on the basis of Spark, in combination with the teaching of Naluf or Regan.

However, according to our belief, one skilled in the art would precisely not be motivated by Sparks to arrive at a subject matter according to claim 1 or to combine it with additional steps, for the following reasons:

1. In column 1, lines 34-41 of Sparks anodic bonding is indeed mentioned. However, a plurality of bonding techniques, the anodic bonding also among them, as a matter of fact, is discussed as related art. Nevertheless, it is stated that not every bonding technique is suitable for all applications: "As can be expected, each of these bonding techniques can be incompatible or less than ideal for certain applications." Column 1, lines 41-43.
2. The result of the discussion regarding anodic bonding is: "Silicon direct and anodic bonding methods require very smooth bonding surfaces, and therefore cannot produce a vacuum seal when unplanarized metal crossunders are employed, ..." column 1, lines 46-49.
3. Instead, bonding with solder is described as the essential feature of the invention according to Sparks: "According to the present invention, there is provided a method by which semiconductor wafers can be solder bonded to form a semiconductor device..." column 2, lines 38-40. The invention is limited exclusively to bonding using solder.
4. Finally, there is a reference to the superiority of bonding using solder compared to other bonding techniques: "Because the method of this invention is a solder bonding technique, the performance of the micromachine and other components of the device

is not jeopardized by excessively high processing temperatures associated with other bonding techniques." Column 2, lines 41-45.

In summary, Applicants submit that one skilled in the art basically does indeed learn anodic bonding from the Sparks teaching, but is motivated precisely not to select anodic bonding. Instead, it is suggested to him to bond using solder. Applicants therefore disagree with the following statement of the Examiner: "Therefore, it would be obvious to one of ordinary skill in the art to directly bond the layers using anodic bonding ... and this would involve a mere substitution of one bonding technique for another." (page 4 in the last Action).

One skilled in the art, who bonds anodically nevertheless after studying the Sparks publication, would act precisely counter to the teaching. In other words, Sparks teaches away from the claimed invention. Accordingly, withdrawal of the rejection is requested.

The present invention is new, non-obvious, and useful. Reconsideration and allowance of the presently pending claims are respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

*R. L. (N.J. 41, 124)*

Dated: 9/26/06

By: *G. A. Messina*  
Gerard A. Messina  
Reg. No. 35,952

One Broadway  
New York, NY 10004  
(212) 425-7200